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10/645,850

08/22/2003

Youichi Yamada

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01/11/2006

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EXAMINER

QIN, JIANCHUN

ART UNIT

PAPER NUMBER

2837

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/645,850 | Applicant(s) YAMADA ET AL. | |
| | Examiner Jianchun Qin | Art Unit 2837 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 11-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyashita et al. (U.S. Pub. No. 20020101790) in view of Yamada et al. (U.S. Pub. No. 20020172107).

With respect to claim 1:

Miyashita et al. teach an information processing unit (see Abstract) comprising: a reading section for reading information recorded in a recording medium (sections 0038, 0059, 0060 and 0097); an information processing section for processing the information read by this reading section (sections 0051, 0052, 0097, 0098); a positional instruction recognizing section for recognizing an instruction for a prespecified position in said information (sections 0098, 0099, 0081, 0122); a change instruction recognizing section recognizing a change instruction to change a reproducing position of the information of the information processing section when a rotary operation is detected (section 0031); a processing control section for changing the reproducing position of the information processing section when the change instruction is recognized by the change instruction recognizing section (section 0031); and a display section for displaying an instructed

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position corresponding to the instructed information when the positional instruction is recognized by this positional instruction recognizing section (sections 0043, 0065, 0066, 0098 and 0122).

Miyashita et al. do not mention expressly: said display section for displaying an instructed position corresponding to the instructed information on a virtual orbit simulating a movement of the recording medium along a rotary operation direction of the change instruction recognizing section when the positional instruction is recognized by this positional instruction recognizing section.

Yamada et al. teach an information playback apparatus, including: a display section for displaying an instructed position corresponding to the instructed information on a virtual orbit simulating a movement of the recording medium along a rotary operation direction of a change instruction recognizing section when the positional instruction is recognized by a positional instruction recognizing section (sections 0084-0086).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the display method taught by Yamada et al. in the invention of Miyashita et al. in order to provide the user with a better and more accurate visualization of the operational state of the information processing unit (Yamada et al., sections 0068, 0071, 0073 and 0075).

With respect to claims 2-4:

The teaching of Miyashita et al. further includes: said prespecified position is a processing start position for starting processing of the information at the same position

repetitively (sections 0005, 0006 and 0035); said display section displays a processing position of the information according to the progress of processing by the information processing section, and displays, when an instruction for a prespecified position is recognized by the positional instruction recognizing section, the instructed position based on said processing position (sections 0043, 0065, 0066, 0098 and 0122); the information recorded in the recording medium includes data and positional information for the data (sections 0038, 0059 and 0060); the display section displays a processing position of said data based on said positional information, and displays, when the instruction for the prespecified position is recognized by the positional instruction recognizing section, the instructed position based on said positional information for said processing position (sections 0043, 0065, 0066, 0098 and 0122).

With respect to claims 5-8:

Miyashita et al. teach the subject matter discussed above. Miyashita et al. do not mention explicitly: regarding claims 5 and 7, the display section provides a prespecified display along a virtual orbit, fixes the instructed position on said virtual orbit, and displays in the moving state the processing position along said virtual orbit, wherein a plurality of concentric virtual orbits are provided; regarding claims 6 and 8, the display section provides the prespecified display along the virtual orbit, fixes the processing position on said virtual orbit, and displays in the moving state the instructed position along said virtual orbit, wherein a plurality of concentric virtual orbits are provided.

Yamada et al. teach an information playback apparatus, including: a display section provides a prespecified display along a virtual orbit, fixes an instructed position

on said virtual orbit, and displays in the moving state the processing position along said virtual orbit (sections 0061-0071 and 0085); the display section provides the prespecified display along the virtual orbit, fixes the processing position on said virtual orbit, and displays in the moving state the instructed position along said virtual orbit (sections 0061-0065 and 0072-0076).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the display method taught by Yamada et al. in the invention of Miyashita et al. in order to provide the user with a better and more accurate visualization of the operational state of the information processing unit (Yamada et al., sections 0068, 0071, 0073 and 0075).

Furthermore, it is obvious that the display section taught by Yamada et al. is capable of providing the same function as that recited in claims 7 and 8. In view of the teaching of Yamada et al., one having ordinary skill in the art at the time the invention was made would be able to apply the same technique to display a plurality of concentric virtual orbits so that the user can obtain a better and more accurate view of the operation of the information processing unit (Yamada et al., sections 0068, 0071, 0073 and 0075). The mere application of a known technique to a plurality of similar elements by those skilled in the art would have been obvious.

With respect to claim 17:

Miyashita et al. teach a display method for an information processing unit comprising the steps of: reading and processing information recorded in a recording medium (sections 0038, 0051, 0052, 0059, 0060, 0097 and 0098); recognizing an

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instruction for a prespecified position of said information (sections 0098, 0099, 0081, 0122); and displaying an instructed position corresponding to the instructed information (sections 0043, 0065, 0066, 0098 and 0122).

With respect to claims 18 and 19:

The teaching of Miyashita et al. further includes: the display method for the information processing unit according to claim 17 is executed by a computing section (section 0053); a recording medium for recording therein the display program for the information processing unit, wherein the display program for the information processing unit according to claim 18 is recorded therein in a readable form for the computing section (sections 0053).

With respect to claim 20:

Miyashita et al. teach a reproducing unit (section 0002) comprising: the information processing unit according to claim 1 (see Abstract); and a reproducing section for fetching and reproducing the information processed by the information processing unit (sections 0013-0016).

3. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyashita et al. (U.S. Pub. No. 20020101790) in view of Yamada et al. (U.S. Pub. No. 20020172107), as applied to claims 5 and 6 above, and further in view of Matsumoto et al. (U.S. Pat. No. 5701282).

Miyashita et al. and Yamada et al. teach a information processing unit that includes the subject matter discussed above. The combination of Miyashita and Yamada does not mention expressly: said virtual orbit has a spiral form.

Matsumoto et al. teach a recording and/or reproducing apparatus, including a display section that provides the prespecified display along a virtual orbit, fixes the processing position on said virtual orbit, and displays in the moving state the operation position along said virtual orbit, wherein said virtual orbit has a spiral form (Fig. 15A and 15B; col. 22, lines 25-50).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the teaching Matsumoto et al in the combination of Miyashita and Yamada so that the current position relative to the whole disc and operation of the information processing unit can be more readily grasped (Matsumoto et al., col. 22, lines 42-46).

Allowable Subject Matter

4. Claims 11-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reasons for Allowance

5. The following is an examiner's statement of reasons for allowance:

The primary reason for the allowance of claims 11, 13 and 15 is the inclusion of the limitation that, when the processing position and the instructed position are away from each other in a direction orthogonal to a circumferential direction of the virtual orbit, the display section displays said processing position and said instructed position in

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different display forms respectively. It is this limitation found in each of the claims, as it is claimed in the combination that has not been found, taught or suggested by the prior art of record, which makes these claims allowable over the prior art.

The primary reason for the allowance of claims 12, 14 and 16 is the inclusion of the limitation that, when the processing position and the instructed position are away from each other in a direction orthogonal to a circumferential direction of the virtual orbit, the display section displays said processing position and said instructed position in different display forms respectively. It is this limitation found in each of the claims, as it is claimed in the combination that has not been found, taught or suggested by the prior art of record, which makes these claims allowable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Response to Arguments

7. Applicant's arguments received 10/27/05 with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claims 1-10 and 20 are rejected as new evidence has been found from the combination of the Miyashita reference and the Yamada reference to teach the limitations newly recited in the amended claim 1. Detailed response is given in sections 2-3 as set forth above in this Office Action.

Regarding claims 17-19, the Examiner's position is that the Miyashita reference discloses or teaches all the subject matters recited in these claims. The rejections stand.

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jianchun Qin whose telephone number is (571) 272-5981. The examiner can normally be reached on 7am - 4:30pm.

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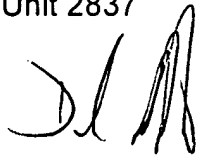
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on (571) 272-2107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JQ

December 27, 2005

Jianchun Qin
Examiner
Art Unit 2837


DAVID MARTIN
SUPERVISORY PATENT EXAMINER
TECHNICAL FIELD 2837